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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,238	11/18/2005	Norihito Naito	00684.003635	6461
5514 7590 07/24/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
EVANS, GEOFFREY T				
ART UNIT		PAPER NUMBER		
2852				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,238

Applicant(s)

NAITO ET AL.

Examiner

GEOFFREY T. EVANS

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-31 is/are pending in the application.
4a) Of the above claim(s) 1-31 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 2/25/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomida et al. (5,661,564).

Regarding claim 1, and claims 3-10 depending therefrom, Tomida et al. disclose an image forming apparatus operable in a first image formation mode for forming an image on an image bearing member by using developer under a first predetermined image forming condition (**non-toner-save mode; see column 27, lines 43-60**) and a second image formation mode for forming an image on an image bearing member by using developer under a second image forming condition which is different from the first predetermined image forming condition (**toner-save mode; see column 27, lines 43-60**) and is set so that an amount of consumption of developer with respect to an identical image in the second image formation mode is smaller than that in the first image formation mode (**see column 27, lines 43-60**), the apparatus comprising:

a storing device configured to store information on an amount of usage of the image bearing member (**see column 18, lines 21-31**);

an image processing controller configured to discriminate a size of a concentrated pixel area in image information when the second image formation mode is set **(toner save mode is turned on or off in accordance with pixel size of the image to be formed; see column 28, lines 20-33; column 29, lines 3-11; and column 37, lines 23-30)**; and

a controller configured to set the second image forming condition in the second image formation mode depending on a discrimination result of the image processing controller and the information stored in said storing device **(40; see column 27, line 42)**.

Regarding claim 3, Tomida et al. disclose an apparatus according to Claim 1, wherein said controller changes the second image forming condition depending on whether the concentrated pixel area is larger or smaller than a predetermined size **(toner save mode is turned on or off in accordance with pixel size of the image to be formed; see column 37, lines 23-30)**.

Regarding claim 4, Tomida et al. disclose an apparatus according to Claim 1, wherein the information on the amount of usage of the image bearing member is predetermined threshold information, and said controller changes the second image forming condition when the amount of usage of the image bearing member reaches a predetermined threshold represented by the predetermined threshold information **(see column 18, lines 21-31)**.

Regarding claim 5, and claim 6 depending therefrom, Tomida et al. disclose an apparatus according to Claim 1, wherein said image forming apparatus further comprises an exposure device configured to expose the image bearing member under an exposure operation condition on the basis of image information (**see column 11, lines 40-55 ; and column 30, lines 3-10**).

Regarding claim 6, Tomida et al. disclose an apparatus according to Claim 5, wherein the exposure operation condition is an exposure time or luminous energy of said exposure -device (**see column 11, lines 40-55 ; and column 30, lines 3-10**).

Regarding claim 7, and claim 8 depending therefrom, Tomida et al. disclose an apparatus according to Claim 1, wherein said apparatus includes a charging member (**131; see column 13, lines 50-60**) configured and positioned to electrically charge the image bearing member and a developing member (**124; see column 13, lines 50-60**) configured and positioned to supply the developer to the image bearing member, and the image forming condition comprises a charging condition of the charging member and a developing condition of the developing member (**see column 11, lines 40-55; and column 13, lines 50-60**).

Regarding claim 8, Tomida et al. disclose an apparatus according to Claim 7, wherein the charging condition is a bias voltage applied to the charging member and the developing condition is a bias voltage applied to the developing member (**see column 11, lines 40-55; and column 27, lines 43-60**).

Regarding claim 9, Tomida et al. disclose an apparatus according to Claim 1, wherein the image bearing member and said storing device are integrally supported to form a cartridge which is detachably mountable to the image forming apparatus (**see figure 3**).

Regarding claim 10, Tomida et al. disclose an apparatus according to Claim 9, wherein the cartridge further comprises the charging member or the developing member (**see figure 3**).

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-10 have been considered but are moot in view of the new ground(s) of rejection. The current amendment necessitated further consideration and search which led to the new rejection.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEOFFREY T. EVANS whose telephone number is (571)272-2369. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272 2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GTE

/Hezron Williams/

Supervisory Patent Examiner, Art Unit 2856